REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed December 28, 2005. In the Office Action, the Examiner notes that claims 1-36 are pending of which claims 1-36 are rejected and claims 1, 6, 11 and 18 are objected to. By this amendment, claims 6-10, 12, 15-17, 25-30 are cancelled, claims 1-5, 11, 13-14, 18, and 31 are amended, claims 19-24 and 32-36 continue unamended and new claims 37-42 are added. The amendments to the claims are fully supported by the Specification, Drawings and Claims as originally filed. For example, the amendments are supported at least by pages 7-9 of the specification. Thus, no new matter has been added, and the Examiner is respectfully requested to enter the amendments.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

OBJECTIONS

Claims 1, 6, 11 and 18 are objected to because each contains the phrase "... assets in stored in ...", which appears to contain a typo. Applicants have amended or cancelled the various claims and respectfully submit that the Examiner's objections are now moot and should be withdrawn.

REJECTIONS

35 U.S.C. §102

Claims 1, 5, 11-14, 17, 25-27, 30, and 31

The Examiner has rejected claims 1, 5, 11-14, 17, 25-27, 30, and 31 under 35 U.S.C. §102(b) as being anticipated by Bradley et al. (U.S. Patent 5,172,413, hereinafter "Bradley"). Applicants respectfully traverse the Examiner's rejection.

Independent claim 1, as amended, recites (independent claims 11, 25 and 31 recite similar relevant limitations):

> "In a system providing video on demand (VOD) services via any of a plurality of incompatible VOD systems, a VOD gateway method comprising:
> transmitting to each of the plurality of incompatible VOD systems a respective compatible request for a list of available VOD assets;
> receiving from each VOD system a list of respective available VOD assets; and
> aggregating the received lists of available VOD assets to form a combined list of available VOD assets, the combined list of available VOD assets being adapted to be compatible with a plurality of receiver stations."

Bradley fails to disclose each and every element of the claimed invention, as arranged in the claim. Specifically, in contrast to the above-quoted claim language the Bradley reference fails to teach or suggest the various processing steps according to the invention wherein "incompatible VOD systems" are utilized. Moreover, the Bradley reference fails to teach or suggest the use of a VOD gateway.

Bradley discloses a secure hierarchical video delivery system and method. The Bradley arrangement utilizes a central library and a plurality of local libraries, the local libraries being accessed by users of the public telephone network (PTN), fiber optic link or coaxial cable. The Bradley arrangement groups programming into different classes. Not all classes of programming are stored in each local library. The Bradley arrangement represents a single video on demand system in which programming is dispersed among a plurality of servers. That is, each of a plurality of fully compatible servers; namely, the central library or one of the local libraries store some or all of the available programming. There is no gateway.

The office action interprets "gateway" as "the entrance and exit to and from the VOD network [and therefore] the local server itself would read upon this limitation." Applicants respectfully disagree. Within the context of Bradley, a local server or library is clearly envisioned as a server, not a gateway. If desired programming is on another server or library, then the other server or library provides the desired content. There is no difference in servers other than the presence or absence of programming. Each of the Bradley servers operates in the same manner and within the same system. In fact, there is simply no need in Bradley for a gateway function as described and claimed herein. As such, the local library or server portion of Bradley cannot be construed as an equivalent structure to the claimed "VOD gateway."

Unlike Bradley, the claimed invention addresses a situation where incompatible VOD systems interact with receiver stations via a VOD gateway (i.e., according to a video gateway method), in which asset list information from the various VOD systems is aggregated at the VOD gateway. Standard or single VOD systems such as depicted in Bradley have a commonality with respect to any of the server elements within the system such that subscriber interactions with any of the servers is performed in the same manner (i.e., all the servers are compatible).

As such, Applicants submit that independent claim 1 is not anticipated by Bradley and is patentable under 35 U.S.C. §102. Since independent claims 11, 18 and 31 recite similar relevant limitations, for at least the same reasons as set forth above with respect to independent claim 1, such independent claims also are not anticipated and are patentable under 35 U.S.C. §102. Furthermore, all of the remaining claims depend directly or indirectly from independent claims 1, 11, 18 and 31 and recite additional limitations thereof. As such, Applicants submit that all these dependent claims also are not anticipated by Bradley and are patentable under 35 U.S.C. §102. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103

Claims 3, 4, 15, 16, 28, and 29

The Examiner has rejected claims 3, 4 15, 16, 28, and 29 under 35 U.S.C. §103(a) as being unpatentable over Bradley in view of Gordon et al. (U.S. Patent No. 6,253,375, hereinafter "Gordon"). Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). Bradley and Gordon, whether taken alone or in combination, fail to teach or suggest Applicants' invention as a whole.

For at least the reasons discussed above with respect to the Examiner's rejection of independent claim 1, 11, 18 and 31, Bradley fails to teach or suggest Applicants' invention as a whole.

Gordon fails to bridge the substantial gap between Bradley and Applicants' invention. In particular, Gordon discloses a system for interactively distributing information services. The Gordon arrangement provides a single VOD system/service that is operable to provide VOD services to subscribers within, illustratively, a cable television system. Gordon does not teach multiple or incompatible VOD services. As such, there is no need for a gateway function as described and claimed herein.

Thus, Bradley and Gordon, either singly or in any combination, fail to disclose or suggest the invention of independent claims 1, 11, 18 and 31. Furthermore, all of the remaining claims depend directly or indirectly from independent claims 1, 11, 18 and 31 and recite additional limitations thereof. Therefore, the remaining claims are also non-obvious and patentable over Bradley in view of Gordon under §103.

Claims 6-10, 18-24, and 32-36

The Examiner has rejected claims 6-10, 18-24 and 32-36 under 35 U.S.C. §103(a) as being unpatentable over Bradley. Applicants respectfully traverse the rejection.

For at least the reasons discussed above with respect to the Examiner's rejection of independent claim 1, 11, 18 and 31, Bradley fails to teach or suggest Applicants' invention as a whole. The examiner is referred to the above discussion related to Bradley. In particular, it is noted that all of independent claims include limitation of "incompatible VOD" systems, and that such limitation is simply not disclosed or suggested by the Bradley arrangement.

Thus, Bradley fails to disclose or suggest the invention of independent claims 1, 11, 18 and 31. Furthermore, all of the remaining claims depend directly or indirectly from independent claims 1, 11, 18 and 31 and recite additional limitations thereof. Therefore, the remaining claims are also non-obvious and patentable over Bradley under §103.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated or obvious under the respective provisions of 35 U.S.C. §§102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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